

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1 and 7 are amended to cure informalities. No new matter is added by this Amendment.

The courtesies extended to Applicants' representative by Examiner Vo at the personal interview held April 19, 2006, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely correct informalities in the claims; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Claim Objection

Claim 1 is objected to because the recitations "one" and "the level" in claim 1 lack proper antecedent basis. Claim 1 is herein amended to overcome this rejection. Withdrawal of the objection is requested.

II. Rejection Under 35 U.S.C. §112, second paragraph

Claims 7-14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office Action asserts that the recitation "gravitational direction" in lines 11 and 12 of claim 7 is confusing. Applicants disagree. However, to expedite prosecution of

this application, claim 7 is amended to even further clarify this feature. Withdrawal of the rejection is requested.

III. Rejections Under 35 U.S.C. §102(b)

Claims 1, 2, 4-7, 9-13, 15, 16, 18 and 19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,390,611 (Kobayashi); and claims 1-20 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,022,102 (Ikkatai). These rejections are respectfully traversed.

Independent claims 1, 7 and 15 recite a venting port and a fluid inlet port each having an open end or an opening, the open end or opening of each the venting port and fluid port being located at substantially the same level, in a gravitational direction, to increase biometric efficiency and reduce staining, and/or both of the open ends or openings being exposed to the atmosphere at substantially the same level, in a gravitational direction.

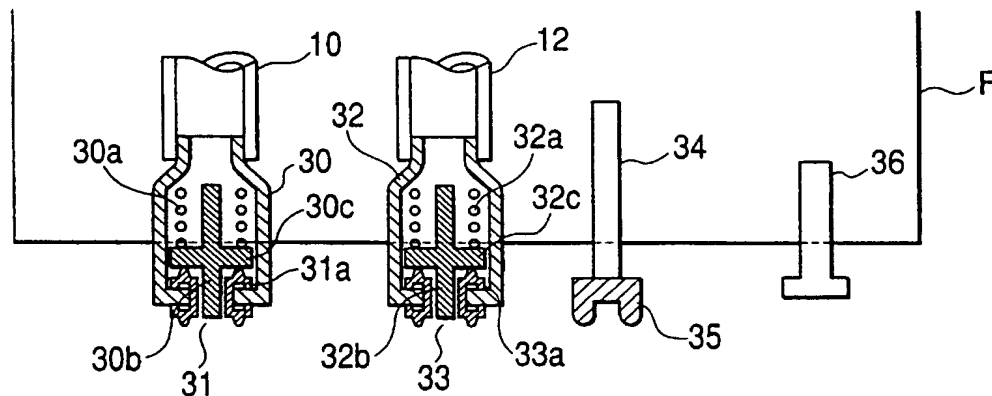
Kobayashi and Ikkatai, as well as all of the other cited references of record, whether each is taken alone or in any combination, fail to disclose the features of independent claims 1, 7 and 15.

The Office Action asserts that Kobayashi discloses a venting port (23) having an open end and a fluid inlet port (21) having an open end. The Office Action cites Fig. 3 of Kobayashi and further asserts that Kobayashi discloses that the open end of the venting port (23) and the open end of the fluid inlet port (21) are located at substantially the same level, in a gravitational direction.

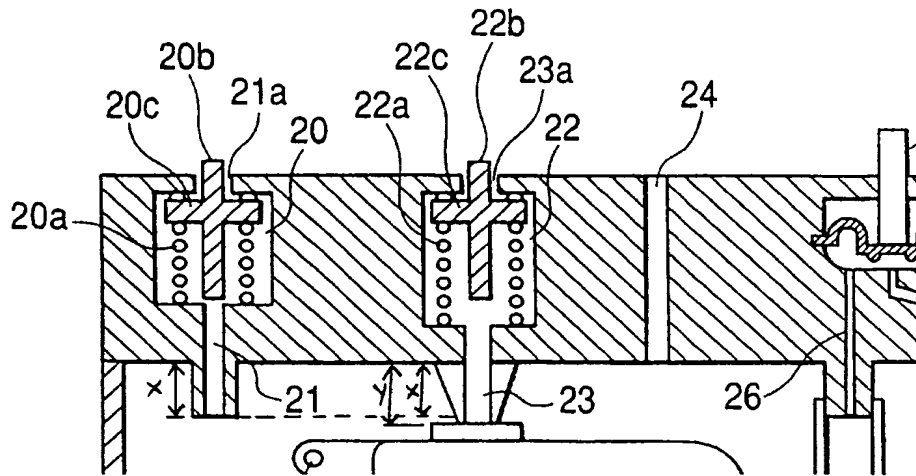
However, Fig. 3 of Kobayashi merely illustrates an ink storage chamber of a replenishment unit. Moreover, Fig. 3 of Kobayashi appears to show a portion of the venting port (23) and the fluid inlet port (21), as identified by the Office Action. However, Fig. 3 of Kobayashi is a "broken" figure and the portion of the venting port (23) and the fluid inlet port (21) illustrated in Fig. 3 does not include the open end of either of the venting port (23) or the fluid inlet port (21). For example, the open end of each of the venting port (23) and the fluid

inlet port (21) is not illustrated. Fig. 3 is directed to the replenishment unit and not the venting port (23) or the fluid inlet port (21). That is, it is not possible to discern from Fig. 3 of Kobayashi whether the open end of the venting port and the open end of the fluid inlet port are located at substantially the same level, as recited in claims 1, 7 and 15, because these features are not at all illustrated. Please see Fig. 3 of Kobayashi shown below.

FIG. 3



During the April 19, 2006 personal interview with the Examiner, the Examiner cited Fig. 2 of Kobayashi as disclosing that the open end of the venting port (23) and the open end of the fluid inlet port (21) are located at substantially the same level. However, Fig. 2 of Kobayashi clearly fails to show the open ends of the venting port 23 and the fluid inlet port (21) at substantially the same level. More specifically, the fluid inlet port (21) is illustrated below with a length X that extends into the reservoir. The venting port (23) is illustrated below with a length Y that extends into the reservoir. The length X and the Length Y are not the same. Furthermore, the venting port (23), as illustrated in Fig. 2 of Kobayashi, is not shown with an open end. In Fig. 2 of Kobayashi, the venting port (23) is sealed. Please see the marked-up Fig. 2 of Kobayashi below.

FIG. 2

In fact, Kobayashi teaches away from the open end of each of the venting port and fluid port being located at substantially the same level because the figures of Kobayashi clearly show the venting port and fluid port being located only at different levels.

Accordingly, contrary the Examiner's assertion, Kobayashi clearly fails to disclose that the open end or opening of each the venting port and fluid port are located at substantially the same level, in a gravitational direction, as recited in claims 1, 7 and 15.

Furthermore, with respect to Ikkatai, the Office Action cites Fig. 4 of Ikkatai and asserts that Ikkatai discloses an open end of a venting port (46a) and an open end of a fluid inlet port (46b) located at substantially the same level. However, it is clear that Fig. 4 of Ikkatai fails to disclose these features.

During the April 19, 2006 personal interview, the Examiner asserted that Ikkatai discloses an alternate embodiment not presently claimed. Accordingly, as acknowledged by the Examiner during the April 19, 2006 personal interview, Ikkatai does not disclose the presently claimed features.

For the foregoing reasons, Kobayashi, Ikkatai, as well as all of the cited references of record, fail to disclose, teach or otherwise suggest a venting port and a fluid inlet port each

having an open end or an opening, the open end or opening of the venting port and the fluid port being located at substantially the same level, in a gravitational direction, to increase biometric efficiency and reduce staining, and/or both of the open ends or openings being exposed to the atmosphere at the same level, in a gravitational direction, as recited in claims 1, 7 and 15. Claims 2-6, 8-14 and 16-20 depend respectively from claims 1, 7 and 15. Thus, claims 2-6, 8-14 and 16-20 are not anticipated or otherwise rendered obvious from the cited references of record, at least for the same reasons discussed above.

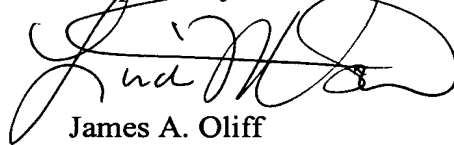
Withdrawal of the rejections is requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Linda M. Saltiel
Registration No. 51,122

JAO:LMS/hs

Date: April 21, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
